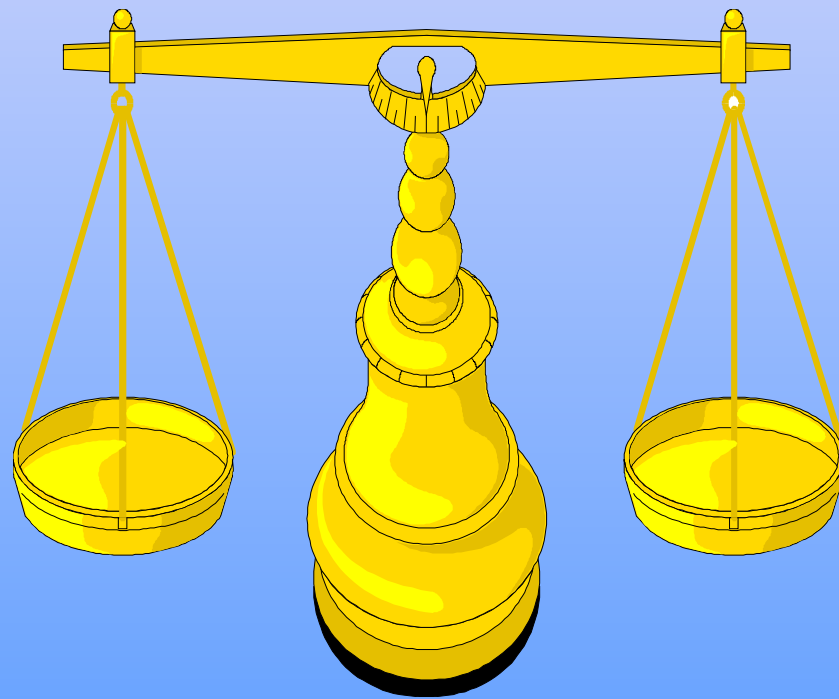


The Legal Environment



Session Objectives

Upon successfully completing this session, the participant will be able to:

- State and discuss the elements of DWI offenses.
- Discuss the provisions of the implied consent law.
- Discuss the relevance of chemical test evidence.
- Discuss precedents established through case law.

Basic DWI Statute

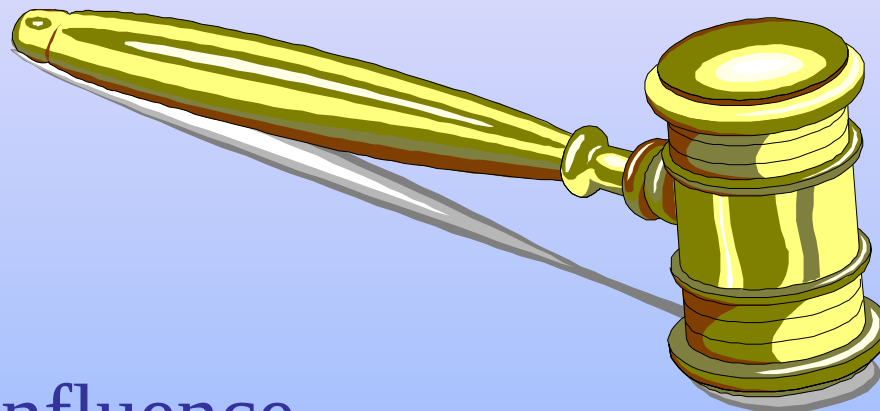
It is unlawful for any person to...

- operate or be in actual physical control of ...
- any vehicle ...
- within this state ...
- while under the influence of alcohol and/or any drug.

Key Features of Implied Consent

- Any person who operates a motor vehicle upon the public highways of this state ...
- Shall be deemed to have given consent to a chemical test ...
- For the purpose of determining the alcohol and/or drug content of that person's blood ...
- When arrested for any acts alleged to have been committed while the person was operating or in actual physical control of a vehicle while under the influence of alcohol and/or any drug.

Legal Presumptions



_____ or more...

Presumed under the influence

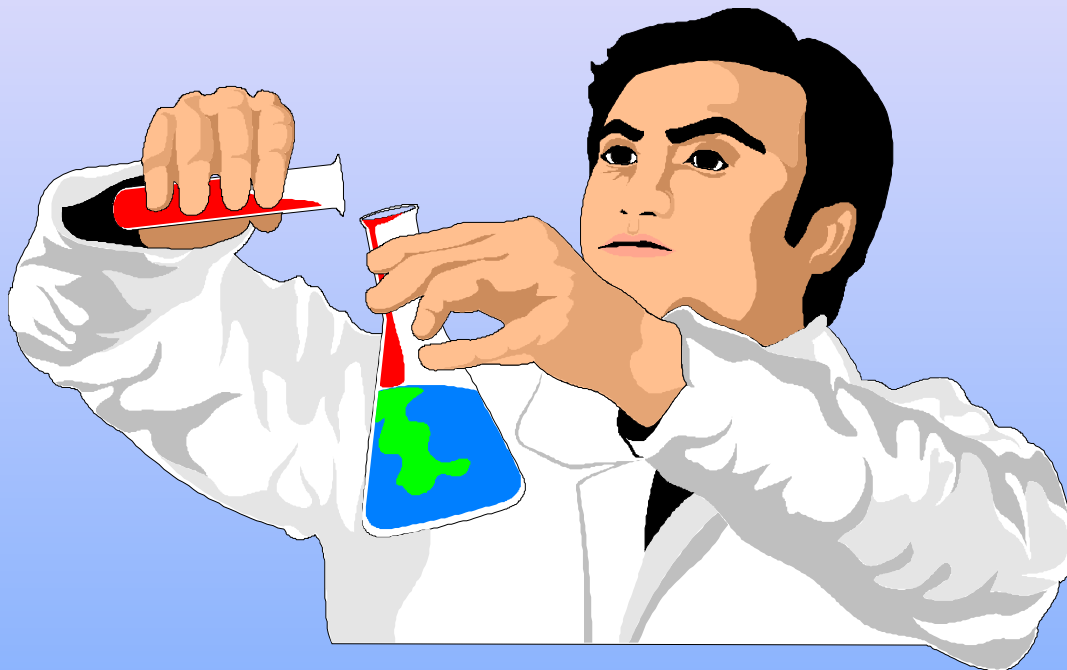
Less than _____ ...

Presumed not under the influence

At least _____ but below _____

No presumption

Key Point:



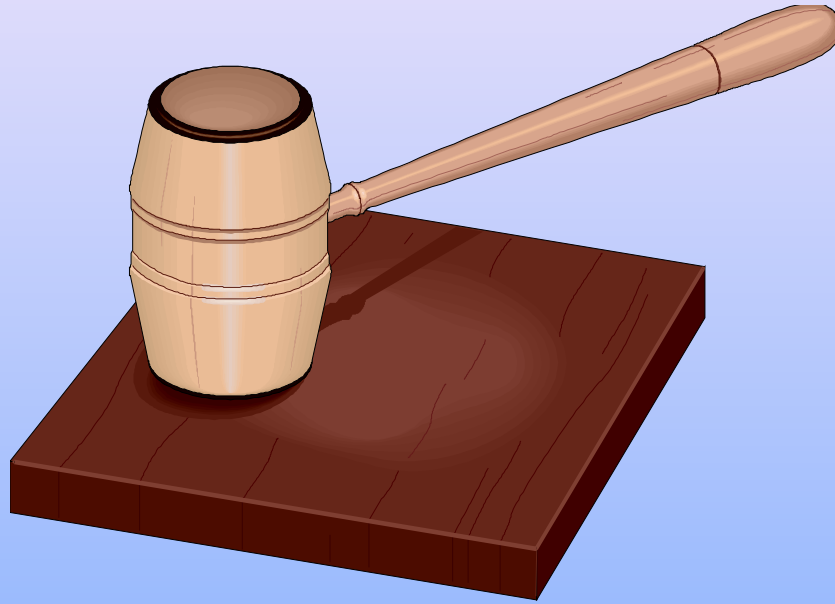
Chemical test evidence is **PRESUMPTIVE**,
Not Conclusive

Question Number 1



Is it possible for a person whose BAC is above the state's per se or presumptive level to be acquitted of DWI?

Question Number 2



Is it possible for a person whose BAC was below the state's per se or presumptive level to be convicted of DWI?

Illegal “Per Se” Statute



Is it unlawful for any person to...

- operate or be in actual physical control of...
- any vehicle...
- within this state...
- while having a BAC at or above state's level.

Test Your Knowledge

- The elements of the Basic DWI Law are:
 - A.
 - B.
 - C.
 - D.
- If DWI is a criminal offense, the standard of proof is _____

Test Your Knowledge

- The purpose of the Implied Consent Law is_____
- Under the Implied Consent Law, chemical test evidence is _____ evidence.
- The Illegal Per Se Law makes it unlawful to_____

Test Your Knowledge

- The PBT Law permits a police officer to request a driver suspected of DWI to _____
—
- PBT results are used to help determine _____.